THE COURTS.

Poor Work, but Good Enough for the Purpose.

A LARGE FORGERY.

Contemptuous Disregard of Judicial Orders.

The cases of the United States vs. B. H. Hutton et al., vs. George Bliss and vs. Levi P. Morton came up before Judge Blatchford yesterday on demurrer to the complaints. These suits are on ware-house bonds of the firm of Benkard a Hutton for duties. The bonds contained alternative conditi of the goods from bonded warehouse for export while the withdrawal of the goods for consumption while the withdrawal of the goods for consumption gave the bonds effect. The complaint stated that the goods were withdrawn, but did not state whether withdrawn for consumption or export. The defendants set up that the complaint failed to state facts sufficient to constitute a sause of action. Upon the argument Judge Blatchford characterized the complaints as a "bungling piece of work." District Attorney Woodford then asked for ten days to smend, and "assured the Court that His Honor's eyes should not be again offended with such a pleading from his office." Judge Blatchford finally concluded that the pleading was "good enough," and overruled the demurrers. United States District Attorney Woodford and Assistant United States Attorney Wallace appeared for the government, and A. J. Vanderpoel and Roger M. Sherman for the defendants.

A HEAVY FORGERY.

Charles R. Titus, a bartender, and Samuel J. Hoyt, agent of a life insurance company, were arraigned in the Court of General Sessions yesterday on an in-dictment charging them with having in their pos-\$100,000 with intent to utter the same, drawn to the order of John R. Baker, trustee, dated-11th September, 1879, and purporting to be signed by J. B. Colgate & Co. It appears that Samuel J. Lowell, a private detective, of No. 9 Murray street, was introduced to the accused as J. R. Baker. Lowell, as alleged, was informed that the check was genuine, and that some of the employes of Colgate & Co. were implicated in its procurement. The accused, ag claimed, handed the check to Lowell, and requested him to purchase United States four per cent bonds. Lowell took the check to Colgate & Co., brokers, at No. 47 Wall street, who pronounced it a forgery. Titus and Hoyt were arrested and committed to the Tombs, each in default of \$10,000 bail. When called to the bar yesterday the prisoners pleaded not guilty and were remanded for trial. 100,000 with intent to utter the same, drawn to the FORGED PAYMASTER'S CHECK.

Some time ago a suit was brought by the government in the United States District Court against Union National Bank of this city to recover \$700 which had been paid to the bank on a check drawn by a United States Army paymaster on the Assistant Treasurer at New York for the back pay of a man named Lewis. The signature of Lewis was forged on the check which came to the bank, but was indorsed there and paid by the Assistant Treasurer. At the trial the government claimed it was entitled to recover the money, as it was paid under a mistake of fact, but the Court directed a verdict for the defendant. The matter came up yesterday before Judge Bistchford, in the United States Circuit Court, on a writ of error directed to the District Court. The defence sat up as a bar to the recovery of the money that the plaintiff was guilty of laches in not giving earlier notice of the discovery of the forgery, and in not making earlier demand for the repayment of the money. On the other hand, it was contended that the government could not be charged with laches through the neglect of its officers or agents. Assistant United States District Attorney C. P. L. Butler appeared for the government and F. W. Adee for the defence. Decision was reserved. Assistant Treasurer at New York for the back pay of

A decision was rendered yesterday by Judge Blatchford, in the United States Circuit Court, on Clinton G. Colgate against the Westorn Union Telegraph Company and the Gold and Stock Telegraph Company. In January last a decision was rendered in this court enjoining the defendants and their officers from intringing the plaintiff's patent for a gutta percha insulator for telegraph cables and wires, or from transforring or disposing of cables so insulated to other parties. When the motion was made evidence was given that the defendants in both cases had violated the injunction, and it was petitioned that attachments issue against them for contempt of court. The decision of Judge Blatchford grants the motion, and an attachment is ordered against Morvin Groen as President of the Western Union Telegraph Company and against the company; also against George B. Prescott, Vice President of the Gold and Stock Telegraph Company and against the company also.

Babelaqua, who are indicted for engaging in the for-geries of Brazilian bank notes. All the implements of the neferious trade were brought into the court room, and Assistant District Attorney Bell finished the case for the prosecution. Mr. William F. Howe, who defends the accused, took numerous technical objections to the admissibility or certain evidence, and at the conclusion of the case made a motion to take the case from the jury on several grounds. Judge Cowing, at a late hour, postponed the further progress of the trial and will decide on Mr. Howe's motion this morning.

SUMMARY OF LAW CASES. Discharges in bankruptcy were granted yesterday in the United States District Court by Judge Choate

to Henry Thomas, Robert Currie and N. Cheeney. A decision was rendered yesterday in the United States District Court by Judge Choate, dismissing the admiralty suit of J. H. Manning against the team tug Grace Fee.
Judge Wheeler will sit in the United States Cir-

Judge Wheeler will sit in the United States Circuit Court on Tuesday, November 18, to hear cases on pleadings and proofs on final hearing on the equity calendar. On December 1 he will begin the trial by jury of cases on the calendar of issues of fact, triale by a jury, between private parties.

Thomas Filmore Williams, a colored man, charged with stealing fourteen chickens from the hen house of William A. Robertson, at Mott avenue and 142d atreet, was arraigued for trial in the Court of General Sessions yeaterday. He was also charged with having stolen a rowboat, the property of Joseph Richards, of Mott avenue and 161st street. He pleaded guilty, and Judge Gildersleeve sent him to the State Prison for two years and six months.

Judge Westbrook some time since appointed James M. Lyddy receiver of the estate of the late Martha A. Peek in a suit brought by George W. Lord, against the executor of the estate of Robert Harrison. A few days age Judge Barrett, on application of John A. C. Gray, a judgment creditor, removed Mr. Lyddy and appointed Philo T. Ruggles in his place. Application was made yesterday before Judge Donohue, in Supreme Court, Chambers, to vacate Judge Barrett's order on, the ground that the order to show cause why Mr. Lyddy should not be removed was not served upon him before Judge Barrett made his order. Judge Donohue took the papers.

Andrew B. Bache in March, 1878, took a lease for one year of Niblo's Garden at a rental of \$22,500, rent payable weekly. Owing to a failure to pay the rent, Mrs. Cornelia M. Stewart, after effecting their ejectment, brought a suit against Mary D. Bache and S. J. Burrill, the surcties, to recover arrearages of rent. The suit was tried yesterday before Judge Van Brunt, holding Supreme Court, Circuit. It appeared in evidence that two checks for \$562 50 each, dated shead, were given as part payment of the rension of the lease as released the surcties for this amount and directed a verdic for the plaintiff and Messrs. George F. Botts and Franklin liken for the defendants

COURT CALENDARS-THIS DAY.

COURT CAMESDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Donehue.—Nos. 55, 61, 87, 80, 92, 94, 105, 115, 128, 140, 153,
177, 208, 218, 220, 232, 247, 264, 266, 266, 267, 268, 269,
SUPREME COURT—GENERAL TERM—Held by Presiding Judge Davis and Judges Brady and Ingalis.—
Nos. 58, 197, 202, 253, 254, 255, 256,
SUPREME COURT—SPECIAL TERM—Held by Judge
Van Vorst.—Law and fact—Nos. 201, 242, 267, 90,
203, 149, 151, 219, 249, 148, 230, 240, 215, 176, 32, 231,
157, 109, 110, 271, 202, 102, 124, 226, 264, 175, 212, 200,
146, 218, 220,

SUPERIOR COURT-SPECIAL TERM-Held by Judge reedman.—No day calendar.
Strenton Count—Thial Trum—Parts 1, 2 and 3.—
djourned for the term.
COMMON PLEAS—GENERAL TRUM.—Adjourned sine

COMMON PLEAS SPECIAL TERM—Held by Judge Seach.—Nos. 1 and 12.

COMMON PLEAS—SPECIAL TERM—Held by Judge Beach.—Nos. 1 and 12.

COMMON PLEAS—EQUITY TERM—Held by Judge J. F. Daly.—Nos. 7, 1, 27, 14, 29.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Chief Justice C. P. Daly.—Nos. 1137, 1045, 1144, 1145, 1098, 1945, 1106, 1080, 589, 900, 580, 1128, 1059, 1146, 1098, 1945, 1106, 1080, 589, 900, 580, 1128, 1059, 1146, 1195, 2241, 1149, 1163, 841, 878, 1067, 1152, 1119, 1170, 1176, 1192, 1196.

MARINE COURT—GENERAL TERM—Held by Chief Justice Alker and Judges Meadam and Goepp.—Appeals from orders—Nos. 5 and 6, Appeals from judgments—Nos. 13, 6, 4, 10, 4.

MARINE COURT—TRIAL TERM.—Part 1.—Adjourned /for the term. Part 2.—Adjourned until November 3.

Part 3.—Adjourned until Friday, the 31st inst.

COURT OF GENERAL SESSIONS—Part 1.—Held by Judge Cowing.—The People vs. Francisco A. R. Sanbria and Joas B. Revilsaya, forgery (continued); Same vs. John Kerrigan, burglary; Same vs. Edward Dowd, felonious assault and battery. Part 2.—Adjourned for the term.

UNITED STATES DISTRICT COURT—Held by Judge Choate.—A Forsyth vs. M. Ferdon; M. Ferdon vs. Schooner J. E. Earli; A. Merollo vs. William Ruger et al.; Traders' Insurance Company vs. Steamstug U. S. Grant; J. G. Unnevehr vs. Steamship Hindoo; H. Fleming vs. Steamship Standelfie; P. Hockawsy vs. Barge New Baltimore; W. A. Duell vs. Steamship Niagara; George Matot vs. Steaming A. B. Preston; J. F. Stow; Mary Scott vs. Steaming A. B. Preston; J. Smith et al. vs. G. F. Drew et al.; Charles Grum vs. W. T. Frost et al.; V. Exposito vs. A. Hardy.

UNITED STATES SUPREME COURT.

UNITED STATES SUPREME COURT. WASHINGTON, Oct. 27, 1879.

The following business was transacted in the Supreme Court of the United States to-day:

On motion of R. T. Merrick David T. Watson, of Pittsburg, and Weity McCullough, of Greensburg, Pa., were admitted to practice.

No. 233. Shorman A. Ricker, appellant, vs. Nathan Powell et al.—Appeal from the Cricuit Court of the United States for the Northern District of Illinois. This is an appeal from the Circuit Court, dismissing the petition of the appellant for leave to file a bill of review in the case of Nathan Powell vs. Samuel J. Walker, Ricker and others in said court. Without intending to decide that an appeal will lie to this court from an order of the Circuit Court refusing leave to file a bill of review for newly discovered evidence, this Court is \$d\$ opinion that the refusal in the present case was right. The decree of the lower court is therefore affirmed with costs. The opinion was delivered by the Chief Justice.

No. 501. Matthew S. Baldwin, appellant, vs. R. Bowers, treasurer, &c.; appeal from the Circuit Court of the United States for the Southern District of Mississippi.—Decree affirmed, with costs. The decision was announced by the Chief Justice. No written opinion.

No. 253. Alexander Fraser et al., plaintiffs in error.

No. 2003. Alexander Jacker et al., plaintim in error, vs. William Jennison et al.—Motion to dismiss denied. No. 725. H. C. Dugger et al., plaintim in error, vs. W. P. Bocok et al.—Motion to dismiss postponed to the hearing of the cause on its merits.

No. 9 (orginal ex parie). Augustus B. Perry, petitioner.—Rule to show cause granted, returnable

No. 10 (original ex parte). The Denver and Rio Grande Railway Company, petitioner.—Assigned for assignment on January 6, 1886.

No. 1,028. The District of Columbia et al., appellants, vs. Charles King.—Appeal from the Supreme Court of the District of Columbia. On motion of W. Willoughby docketed and dismissed, with costs. No. 550, R. R. Shepherd and L. Clepham, plaintiffs in error, vs. Otis Bigelow.—On motion of S. S. Henkle dismissed, each party to pay its own costs. No. 240. The National Bank of the Republic, plaintiff in error, vs. Rus. J. Willard.—Motion to dismiss submitted by R. D. Mussey in support and Joseph H. Břadley in opposition.

No. 842. Jacob O. Tirestman, plaintiff in error, vs. The First National Bank of Mount Pleasant, Westmoreland county, Pa.—Motion to dismiss submitted by D. T. Watson, in support, and Weity McCuilough, in opposition.

D. T. Watson, in support, and weity McCullough, in opposition.

No. 8 (original ex parte). Ira G. French, petition for mandamus.—Submitted by John Reynolds, in favor, and W. H. Smith, in opposition.

No. 3. Samuel F. Crair, appellant, vs. Jacob Smith and George D. Hale.—Argument continued by C. S. Waitman for appellent and M. H. Carpenter for appellees, and concluded by C. S. Whitman for appellant.

Pellees, and concluded by C. S. Whitman for appellant.
No. 10. Daniel Hand, plaintiff in error, vs. Johnson Hagood, substituted, &c.—Passed.
No. 5. Original exparts; Alvin R. Reed, petitioner,—Argued by George H. Boutwell for petitioner, and by Attorney General Devens in opposition to the petition.

Court. The detence set up as a bar to the recovery of the money that the plaintiff was guilty of laches in ord giving earlier notice of the discovery of the control of the money. On the other hand, it was contended that the government could not be charged with laches through the neglect of its officers or agents. Assistant United States District Attornsy of the Membris and Charleston Railroad Company, plaintiffs in error, vs. the State of Tennesses of al.—The Memphis and Charleston Railroad Company, plaintiffs in error, vs. the State of Tennesses of the Court of the Cour

A. Gordon et al.—On motion of F. Miller on behalf of counsel, continued.

No. 13. Otis Tufts and Sarah M. Bigelow, appellants, vs. The Boston Machine Company.—Dismissed under nineteenth rule.

No. 15. The Board of Trustees of the Wabash and Eric Canal, appellants, vs. J. K. Gaspen.—Dismissed under nineteenth rule.

No. 16. The American Emigrant Company, appellant, vs. The County of Adams.—Argument commenced by P. D. Burrett for the appellant.

Adjourned until to-morrow noon.

REILLY, THE RATTLER.

James Reilly was a drunken freeman in Hester street on Sunday night, a sobered prisoner in Essex Market Court yesterday morning. Like Orator Puff he had two tones to his voice. In a deep bass he pleaded for mercy.
"Let me off this toime, Yer 'Onon. I niver was in

the coort before an' niver will be agin. It was the laste sup in the woorld I tuk, niver contimplatin' its dangerous efficts."
"But, my friend," answered the Justice, "you were

"But, my friend," answered the Justice, "you were picked up out of the gutter."
"Arrah, now, who's bin tellin' Yer 'Onor the loikes o' that? Shure I was walkin' right straight home fur me own spartmints."
"You were beastly drunk."
"Bastily droonk! No, Yer 'Onor: I'm a dacint, hard workin' man, timpirit in me spache and manners."
"Officer," asked the Justice, "how is this?"
"He's a common drunkard, Judge; been often arrested, and several times sent to the Island from this very Court."

"He's a common drunkard, Judge; been often arrested, and several times sent to the Island from this very Court."

"Three months, Reilly."

"Three months?" he exclaimed in a shrill treble, with a leap backward, a toss of his bullet head and an entire change in his manner. "Damme — and dam you! Don't ye think yez are smart wid yez sintinces an' yer three months?" he queried, with a villanous grin. "Me name's Jimmie, "accompanied with a thump on his breast: "Jimmie the Racehorse, Reilly the Rattler. Drunk, was I? Yes, damme, I was, dead drunk, and I'm a holy terror in schwaring. Phudge fur yer sintinces! I'm here, an' who's goin' to elyvate me?"

Three stout officers succeeded in putting him out of sight.

TWELVE INDICIMENTS QUASHED.

Judge Dixon, of the New Jersey Supreme Court, yesterday rendered his decision in the cases of the indictments against the Morris Caual and Banking Company, to quash which a motion had been argued Company, to quash which a motion had been argued before him at Paterson, N. J., on Friday last. The company had been indicted at the January term of court this year for not keeping a bridge in proper repair, but as the indictment was not beought to trial, nor the condition of the bridge in question and other bridges in the county improved, a recent Grand Jury found twelve more indictments against the company. Judge Dixon quashed all of them yesterday, on the ground that they were defective in not stating that the bridges complained of were such as crossed the causi at the intersection of public roads laid out previous to the construction of the canal, these being the only bridges which, according to law, the company is obliged to keep in repair. Thomas N. McCarter, of Nowark, appeared for the company and Prosecutor Woodruff for the State.

LOCKED UP FOR THE NIGHT.

In the Passaic Circuit Court at Paterson, N. J. yesterday, the trial of the indictments against Will-iam Collier, Cornelius C. Van Houten and William iam Collier, Cornelius C. Van Houten and William Hickling, for conspiracy to ruin Sigmond Dringer, was concluded by the exhaustive summing up of Mr. Cortianut Parker for the defence and of Prosecutor Woodruff for the Siate and the delivery of a charge to the jury by Judge Dixon. The jury retired at four o'clock and the Judge remained in attendance until nine, when, as the jury had not come to any conclusion, they were locked up for the night. The case has caused much excitement in Paterson and the verdict is looked for with considerable intorest. TILDEN'S INCOME TAX.

ARGUMENT AT LAST HEARD ON THE DEMUR-RER TO THE BILL OF DISCOVERY-DECISION AGAINST THE DEFENDANT.

The long litigated Tilden income tax case was up again yesterday in the United States Circuit Court, before Judge Elatchford, on argument on the demurrer interposed by the defendant to the bill of discovery, which requires him to answer some one discovery, which requires him to answer some one hundred interrogatories propounded by the government covering his property in stocks and railroads from 1862 to 1873. The questions also relate to his professional earnings and income from fixed investments during the same period. The ground of the demurrer is that the government assessors assessed his income during the taxable period, and that the government ought to be bound by the decision and acts of its assessors. The same point was made when the case was first brought into the United States District Court. After full argument by United States District Attor-After full argument by United States District Attor-ncy Woodford for the government and eminent coun-sel for the defendant, Judge Blatchford, who was then sitting in the District Court, overruled the dethen sitting in the District Court, overruled the de-fendant's proposition. The defence still relies upon the soundness and justness of the first proposition as a question of law and again interposes its domur-rer in the higher court against the present applica-tion by the government for a bill of discovery. Ex-Judge Porter opened the argument in favor of

the demurrer, contending that the complainants have not made out such a case as entitles them to a have not made out such a case as entities them to a bill of discovery as to any of the matters contained in the bill and that any discovery which can be made by the defendant cannot be of any avail to the complainant for any of the purposes for which a discovery is sought, and that the complainants have not in law any cause of action in the suit at law in aid of which a discovery is sought. And when it appears on the face of the bill of complainants that the plaintiff is not entitled to a remedy on the original suit at law a discovery will not be granted, for it would, as expressed by Lord Thurlough in Rondeau against Wyatt, be purely impertinent. For, Mr. Porter contended, unless the plaintiff had a title to recover in an action at law, supposing his case to be true, he had no title to the assistance of a sourt of equity. The right of a complainant and of a defendant to a discovery stands on the same footing, and when the Court finds that a defendant who files a bill of discovery in aid of his defence in a suit at law has no defence on the original action the bill will be dismissed. In Smith against Foy (6 Hare, 356), the Vice Chancellor says, "It is now settled that a party applying to this Court for discovery in and of an action in which the defendant may by plea or demurrer show that the pfaintiff is not entitled to recover, may raise the dofence by plea or demurrer in equity." In Cholmondeley against Clinton, 1 Turner against Russell, 107, the bill showed title in the plaintiff; but from a statement it further appeared that the defendence rolled upon and there had in fact been adverse possession for twenty years. It was held that a court of equity ought not to interfere in aid of a suit at law. Arain, Mr. Porter urged that the bill on its face shows that an action at law cannot be maintained under the existing statutes and practice. The Court has already, counsel said, considered and ruled adversely on the question in the case of Beardsley against Littel, 14 Blatchford, 100.

THE REPLY.

In reply United St bill of discovery as to any of the matters contained in the bill and that any discovery which can be made

tate the appeal, but will do anything to facilitate the decision.

Judge Blatchford, after a few remarks in review of the procedure in the case, said he must decide the matter before him purely as a question of law. He had heard nothing during the present argument to change his previous decision, as given in the court below, that the plaintiff is entitled to prosecute his action on the opinion rendered by him in the Beardsley case, that a bill of discovery will he in aid of an action at common law. The Court then overruled the demurrer, directing that the plaintiff serve his proposed form of order, and if counsel could not agree as to the form he would settle it himself on Friday morning next.

Counsel then gathered up their books and left.

FALL OF A TELEGRAPH POLE.

NARBOW ESCAPE FROM THE MASS OF WOOD AND

WIRE-INSECURITY OF OTHER POLES. An accident happened 'yesterday morning which came within an ace of having a serious ending. At eight o'clock a telegraph pole fell in College place, near Barclay street. It was heavily laden with wires and broke with a tremendous crash, falling across the street from west to east. A crowded Eighth avenue car which happened to be passing escaped being crushed only by about three feet. The passengers were badly scared and several ladies screamed with fright. A truck was standing beside the pole when it fell, and the horse starting warned the driver of his danger. He attempted to drive out of reach the swinging timber, but was prevented by the baik-ing of the animal. Finally a bystander urged the horse and succeeded in rescuing the driver

the swinging timber, but was prevented by the barse and succeeded in rescuing the driver from his perilous position as the pole was supended about a loot ever nis head and threatened every moment to fall. The pole was prevented from striking the opposite building by the wires which it supported. In its fall it drew the metal to such a tension as to tear away nearly all the glass insulators on the next pole and to render unsafe all those between Barelay and Chambers streets. Five poles have been fractured so badly that they will have to be replaced by new ones.

A Herald reporter visited the place and examined the wood, which was found to be very rotten. That which had fallen was so much decayed that large pieces crumbled under the touch as readily as dry clay. In fact, almost every pole in College place was not caused by a high wind but by the heavy strain to which the timber has been for a long time subjected. Several days ago another pole iell, and the condition of many is alarming. The old telegraph poles were made of pline and spruce, and at present only ash and chestnut are used. But thousands of the old ones remain, and it is only when a pole falls or on a notification from the Bureau of Encumbrances that any substitution is made.

Accidents in the Fact.

Three years ago a number of accidents occurred, two of which were fatal. On August 13, 1876, a woman named Ann Maguire was passing the corner of Grand and Suffolk streets, when a rotten telegraph pole feel and killed her, mangling her body in a terrible manner. The next day the Common Council passed a resolution ordering the telegraph companies to remove all unused or unsafe poles, and the Corner's jury in its verdict censured them for criminal carelessnoss. Every company denied the proprietorship of the fata pole. Eleven days afterward, on August 24, an employe of the Fire and Police Telegraph Department, named Jeremiah Teneau, was perched on a pole at the corner of Madison avenue and 124th street, when it fell, carrying him with it, injuring him terrib

dent. The men receive instructions to stay up poles and the strength of the wires is mainly relied upon to preserve the balance of the heavy timber, no substitutions being authorized, except in extreme

THE BLAZING BUTLER MINE.

TEN ACRES OF ANTHRACITE COAL GLOWING LIKE A FURNACE-THE MINERS AT WORK IN THE VEIN BENEATH-A THRILLING SITUATION.

PITTSTON, Pa., Oct. 27, 1879. The fire in the Butler colliery, a short dist from the Lehigh and Susquehanna Railroad, on the outskirts of this town, continues to burn flercely. At present it is estimated that ten acres of anthracite are glowing in the upper vein, and the most startling phase of the affair is that the miners in the employ of the company are working the vein beneath. visit to the workmen in their subterranean oven gives some idea of the intensity with which the fire is raging over their heads. Although separated from them by seventy feet of solid rock, yet the heat is so great that they are compelled to work without a particle of clothing upon them excepting a light pair of drawers or overalls. The perspiration pours constantly from their bodies, and the temperature is continually much the furnace. It is very seriously questioned by those understanding the situation whether the men should be permitted to work in this intensely perilous position. Even the air they breathe has to pass through the flames of the burning vein before it reaches

be permitted to work in this intensely perilous position. Even the air they breathe has to pass through the flames of the burning vein before it reaches them, and it is understood that Mine Inspector Jones has already notified the company that they must construct another shaft to admit pure air to the workmen or quit work.

ORIGIN OF THE PIRE.

The fire in the Butler mine has now been burning upward of two years. It originated in the old workings of an abandoned or worked out mine, near what was known as the outcrop of the fourteen feet vein, and on the very highest ground of the property of the Butler Coal Company. The destructive spark was first kindled by a poor, degraded woman, who having been driven from the shelter of the town took refuge in one of the numerous caves on the outskirts. Here she made a fire for the purpose of cooking such stray crumbs as she could pick up and to keep her warm at night. One midnight she was alarmed by seeing the entire side of the cave on fire, and she fied in terror from the scene. Superintendent Bennett, one of the most practical and careful managers in this region, had his attention called to the fire early in June, 1877. By that time it had made a good deal of headway northeast of the pitch along the pillars, and the course it was taking indicated that it would shortly exhaust itself. There was nothing to give rise then to the apprehension that it would work its way down the pitch or declivity, and immediate steps were taken to cover the "cave holes" by which the air was admitted to feed the flames. The immediate vicinity of the fire at that time was honey-combed with three cave holes, caused by the caving in of the surface where the mine had been worked out and no pillars left to support the roof. The stopping up of these prevented in a measure the progress of the fire, but owing to the elevated character of the place if was impossible to obtain water in sufficient quantity to be effective. An arrangement was made with a party to open and clear out an old chamber in the

boundary.

WHERE THE DANGER LIES.

The danger lies in the tunneled part, where it is feared glowing rock will carry destruction over the archway and communicate it to the adjoining property. The great danger from the fire would arise from its extension into the workings of the Pennsylvanis Coal Company, and, once there, no power on earth can prevent it from working its way under the town of Pittston. Here indeed would be a poetic and terrible revenge on the part of the outcast who was denied shelter by the town and fied, like Hagar, to the wilderness.

LIVELY STRUGGLE WITH A BURGLAR.

It was near eleven o'clock on Sunday night and in the parior over his grocery store at No. 339 Ninth avenue that Mr. Richard Butts sat reading to his family. Somehow a grating noise began to mingle with the reader's monotone, and Mrs. Butts, start-ing up, declared that some one was cutting in the store below. The master of the household laughed at his helpmate's fancy and pointed to the keys securely hung upon the mantelpiece. A few minutes passed and again the lady reasserted her conviction that some one was at work down stairs. This time Mr. Butts, still sceptical, called his boy George and descended the stairs. Sure enough, there was a harsh, grating sound coming from the store, and as he scended the stairs. Sure enough, there was a harsh, grating sound coming from the store, and as he listened he heard the rough breaking of wood. Then he quietly opened the door, and saw before him, in the middle of the store, a man standing upright with a jimmy in his hand. Butts made a dash at him, but the intruder was too quick for him, and at a bound had reached the rear door and was crawling through a hole he had made when the proprietor came up. He got hold of one of the fellow's legs and called to the boy to bring a club or hatchet, but the youth was quite demorshized and Butts was left to pull the burgiar in unaided. Liberty was dear to the man, and as he wriggled out he shouted, "Let go of my leg or I'll blow a hole through you!" Butts tugged all the harder at this, but finding the other had the best of the curious contest he let go his hold and made for a side door to cut off the burglar's escape. The latter, once in the yard, had scaled a couple of fences and the chase after him was unavailing, till Policeman Fitzgerald, of the Twentieth precinct, joined in the pursuit and discovered the runaway hidden in a bundle of rags in the cellar of No. 335 Ninth avenue. He said his name was Adolph Bradwell, and on being taken to the station house he was found to have appropriated a gold pencil case and some money he found in the store. He had effected an entrance by breaking a panel in the rear door, where the jimmy he had used was found. Justice Bixby committed him for trial yesterday morning in default of \$2,500 bail.

"CONTEMPT OF COURT."

"CONTEMPT OF COURT."

The case of "Little Bob," the juvenile acrobat who recently was associated with the Davene troupe of acrobats in giving performances at Nibio's Gar-den, was up in the courts again yesterday, but this time not to determine the question whether the Society for the Prevention of Cruelty to Children was justified in seeking his withdrawal from the theatre on account of his youth, but to determine whether Mr. E. G. Gilmore, the lessee of the theatre; Commodore Joseph H. Tooker, the manager, and John Smith, the doorkeeper, were guilty of contempt of court. Judge Donohue, it will be remembered, at the instance of the Society, recently issued a warrant for the arrest of Mr. Davene. It was claimed, in support of the motion to punish Mesers, Gilmore, Tooker & Smith for contempt of court, that they forcibly prevented the officer having the warrant from entering the building through the rear door. Various affiairis were read in answer to this charge, setting forth that neither Mr. Gilmore nor Mr. Tooker had any knowledge of the warrant until after the occurrence at the theatre; that the rear entrance is for the exclusive use of the employes of the establishment, and that if the officer had gone to the Broadway entrance and inquired for them he would have had no difficulty in finding them. Judge Donohue reserved his decision. the Society for the Prevention of Cruelty to Children

[From the Boston Advertiser, Oct. 21.] Harvard University has made the definite announcement that any competent person may receive there daily instruction in the Chinese (Mandarin) language on and after to-morrow, October 22. The experiment is a novel one, and the public are natulanguage on and after to-morrow, October 22. The experiment is a novel one, and the public are naturally enrious about its scope, method and probable issue. The Mandarin language is the language of Chinese officials throughout the Empire, and is the vehicle of Chinese literature; it is also understood by the trading class in the more northerly ports, such as Shanghai, Newchwang, Tientsin, Chefcho, or the Yang-tze ports, but not in the southern ports, like Canton, Swatow, Amey, Formosa, Foechow or Ningpo. The Chinese who come to this country are for the most part Cautonese, and to them Mandarin is entirely unintelligible. The instruction offered at Harvard is, therefore, available for the following classes of persons:—1. Students who wish to acquaint themselves at first hand with Chinese literature, history and polity. 2. Persons who propose to fit themselves for official life in Chinas either in the consular services of American or European governments, or in the customs service of China tiself, Mandarin being the tongue for transacting business with the native officials at all Chinese ports, no matter what may be the local dialect. 3. Merchants who intend to do business at the ports where Mandarin is available, and who prefer to be, in some measure at least, independent of their interpreters.

4. Missionaries who wish to add the knowledge of Mandarin to that of the dialect of the common people among whom they live. MRS. O'HARA'S WEALTH.

JUDGE M'CUE CALLED UPON TO TESTIFY FOR THE CONTESTANTS OF THE WIDOW'S WILL. The attention of Surrogate Dailey, of Kings ounty, was occupied yesterday in hearing testimony. Mrs. Lizzie Crafts, a former witness, was recalled on behalf of the contestants. Her tesimony was to the effect that the acts and conversation of deceased were those of an irrational mind. Mrs. Margarot O'Hara, wife of John O'Hara, was also recalled. She corrected her former testimony, saying that the number of times deceased changed her bed was three or four a month of three or four a year. Deceased had stated that a portion of a needle had worked its way from her knee up into her liver. Hugh O'Hara, a nephew of Mrs. O'Hara's husband, testified that he knew deceased paid \$10,000 upon a mortgage in 1877. De-ceased said she had made several loans; among others was one to Judge McCue of \$5,000, for which she took no security, and another of \$2,000 to Bishop Lynch; witness understood that this loan had been cancelled; he went with Mrs. O'Hara to the real cancelled; he went with Mrs. O'Hara to the real estate office of Mr. Chauncey in 1877; she there signed a contract for the sale of her real estate; witness had seen deceased under the influence of liquor and on one occasion lying insensible on the floor; she made a will in 1876 and went to the Surrogate's Court, but was absent from the room during its execution; none of her relatives were present; she was not present during the execution of another will in 1869; she had not been of very sound mind for several years; she could write her name, but witness did not believe she could read writing. Cross-examined—He said he had never entered into any proposition in relation to receiving \$10,000 in case the will was broken. Ex-Judge Morris stated that the proposition was made by witness' counsel.

JUDGE M'CUE CALLED.

Judge Alexander McCue was then called on behalf of the contestants. He swore that he had known of the cortestants imme, and of late years had been her professional adviser; he had in his possession a will which she made in 1872; deceased herself had destroyed others which she had made from time to time.

will which she made in 1872; deceased herself had destroyed others which she had made from time to time.

Q. Did she make any will between 1872 and the will which is contested? A. Yes, I think she did, in June, 1875; the will made in November, 1859, before she went to Europe, was destroyed; the will of 1875 was probably destroyed; I was wrong—the will of 1872 should be 1871; the codicil attached was made in 1872; I found it among her papers, of which I had possession; I had taken out some papers from her box a short time prior to her death (by her directions), with reference to some changes which were never accomplished; in all she made, I think, four wills beside this one, beside two or three codicils; for several years she kept an account with the Trust Company, and I had a letter from her to the effects of the bank, directing them to honor the checks I drew for her, and they considered it sufficient; it was not exactly a power of attorney; in case of any transactions concerning the management of her property she always consulted me, so far as I know; I did not visit her socially, but she probably considered me something more than a legal adviser; I did not know of any loans by her to Father Maguire; at the time of drawing up the will I found she had made some gifts to St. Paul's Church; it was before this last will; she talked to me about changes in her will, and I referred her to Mr. Cullen; I knew of the contents of her will for years; as to any special changes, she would talk with me about them sometimes weeks before.

The will of 1871-72 was produced in evidence and marked.

CHANGES IN DIFFERENT WILLS.

The will of 1871-72 was produced in evidence and marked.

CHANGES IN DIFFERENT WILLS.

Judge McCue, continuing, said that there were many changes between the will of 1875 and that of 1876, now contested; the will of 1875 was destroyed; it was substantially the same as that of 1876 and 1872 with the exception that the personal legacies were diminished; the general scheme was the same in all the wills; Rev. Father O'Hura was an executor under the will of 1875; witness had a paper in his hand which helped him to recollect something about it; it was dated 1875, was in witness' own handwriting and related to matters outside, and beyond the will. Attached to it was a paper dated 1876, which related to Mrs. O'Hara's affairs. Witness said that in one sense the paper contained some instruction as to the disposition of her estate, and gave some instructions in relation to the residuary legacy left to the three trustees. When the papers were offered in evidence they were objected to and excluded. They were afterward marked for identification. The Court subsequently examined and admitted them. A further hearing of the case will take place on Friday.

THE CENTRAL PARK SCANDAL.

THE PRESIDENT OF THE PARK COMMISSION EX-PLAINS IT AWAY.

The Commissioners of Parks held a lengthy session yesterday afternoon, for the purpose of investigating what is known as the "Sheepfold Scandal."

It will be recollected that sta previous meeting of the Board James Lenny, a laborer, was dismissed because it was alleged that he had restrained of her liberty, in the haylort over the sheepfold, for three days and nights, the step-laughter of a follow laborer named Bates. The Commissioners summoned before them yesterday Johnson, the foreman of the gang of which Lonny and Bates are members; Captain Beatty and Officer Brannigan, of the Park police; Mr. Dawson, Superintendent of Parks; Mr. Conk-ling, disbursing clerk; Mr. Van Valkenbergh, Superintendent of the Zoological Department, and others. The investigation was held with closed doors, but after all the evidence was in representatives of the press were admitted, when, addressing them, Presi-

press were admitted, when, addressing them, President Wenman said:—

GENTLEMEN—The committee have investigated this affair, and we find that the story circulated and published in the papers is not true. The fact has been shown on examination that the idea of a girl being locked up in the sheepfold for three days is impossible. The place where she says she was locked up has been open all through the day. There are no locks to the doors; it is simply a hayloft. The affidavit of King, whose business calls him there daily to throw down hay, shows that if she was there she would have to concea; herself under the hay to avoid detection. At no time when she states she was there could she not make her presence known to Mrs. Conway, the wife of the shepherd, or the workimen engaged around the sheepfold. The affidavit of Shepherd Conway confirms the testimony of King. Officer Brannigan's testimony shows that while the girl says she was restrained of her liberty in the hayloft he met her in the Park, the first day in the company of two men and the last day near the Soldiers' Monument. He testifies that he patrolled back of the shoulfold several times per day, and if any person had made any noise in an ordinary tone of voice he should have heard it and gone to her assistance.

Commissioner Lane added to what President Wenman had said, "Why, an outrage was impossible. The testimony shows that she is a strong Irish girl, weighing 170 pounds, while Lenny only weighs 135 pounds. We dismissed him because he had no right to harbor her in the sheepfold."

Question by a reporter—Mr. President, I understood the object of this invostigation was to ascertain whether any of the officials had cognizance of the matter and had failed to report it to your loard? Do you find any of them guilty of neglect in this particular?

Mr. Wenman—None of the officials knew of it and—

Mr. Lane (interrupting)—That is a matter for

sufficient importance to report. Thus ends the investigation.

CLUBBED AND KICKED.

A brutal assault was committed by a gang of young ruffians on a m rried man of No. 633 East Twelfth street on Sunday night. Emil Hohlman stopped on his way home to buy some chestnuts from an Italian vender at the corner of avenue B from an Italian vender at the corner of avenue B and Sixth street, when about twenty young roughs surrounded and attacked him. A blow struck him in the back of the head and knocked him to the ground. He struggled to regain his feet, but was again and again brutally kicked. One of the crowd picked up a heavy club and hit the prostrate man with it breaking his leg three inches above the man with it breaking his leg three inches above the man was borne to his home and his tag set by a physician. He told the police that he saw the youth who struck him with the club, and from the description he gave of the assailant Officer Robinson arrested Moses Solig, fitteen years old, at his residence, No. 68 avenue B. The youth pretended to be whelly ignorant of the whole affair and expressed great astomshment when he was told of the assault. In the Essex Market Court yesterday he was locked up until Hohiman can come to Court and press the charge against him.

STEAMSHIP COOKERY.

TO THE EDITOR OF THE HERALD:-I am glad to see the HERALD show up the cooking on the great ocean steamship lines. As a recent passenger between New York and Liverpool I can appreciate it. Although the bill of fare is elaborate appreciate it. Although the bill of fare is elaborate very few things are really good of their kind. There is another needed reform which, if not quite so important, ought to be more easily accomplished. I refer to the steamer chair business. Why should a passenger have to pay \$4 for a chair which, on landing, becomes the most troublesome part of his baggage? Why should not the company furnish a seat on deek as well as below? It would cost a small sum, comparatively, to provide this necessary comfort, and would effect a saving to each passenger of several dollars, besides endless trouble and annoyance, which would be enough to indusne the parronage of many people to the line which first undertakes it.

Ricchester, N. Y., Cat. 25, 1879.

THE HERALD'S WEATHER SERVICE

[From the Pottsville (Pa.) Miners' Journal, Oct. 20. The New York Herald, which if it is authority on no other subject, may safely be consulted upon all matters pertaining to the weather, gives a solution of the unusual heat and drought which has parched the country east of the Mississippi during a season usually marked by chilly atmosphere and copious rains. * * * It is gratifying to be informed by this authority that relief from the very oppressive heat and water famine is at hand. We have already experienced the beginning of the relief in this latitude, but it will require many days of coaking rain to start the streams and feed the wells the region has depended upon for its water supply. Our drinking water so far has not been curtailed. but there were many anxious inquiries which exhibited a widespread anxiety that we would have to be put on short allowance. Our mining operations and other industries have been seriously interfered have weathered this trouble, and fears for the immediate future have been aliayed by the storm of

MRS. TRACEY'S DENIAL.

Mrs. Sarah Tracey, whose difficulty with her husband was recorded in the book of the Fourth pre-cinct on Saturday night, writes us a denial of that intimacy existed between my husband and one of the lady boarders, and again I deny that my hus-band's face is lamiliar in the Oak street station house, he not having been there but twice in his life."

MARRIAGES AND DEATHS.

ENGAGED.

Berlinger-Kohnstamm.—On Sunday, October 24 Miss Ida Berlinger to Mr. Louis Kohnstamm, bot of this city. No cards.

MARRIED .

MARKIED.

ADEAHAM—RICH.—On Thursday, May 29, 1879, by Rev. M. Rappaport, Alfried Abraham to Therrisa S. Rich, both of this city.

BAUMANN—RLINS.—October 25, 1879, R. E. BAUMANN, of this city. to Else Kling, of Schwalbach (Germany), by the Rev. Krusy. No cards.

LYON—MORGAN.—At the residence of the bride's parents, Thursday, October 23, 1872, by the Rev. Dr. Stodart, Nicholas B. Lyon to M. Ella Morgan. No cards.

parents, Thursday, October 23, 1879, by the Rev. Pr. Stodart, Nicholas B. Lyon to M. Ella Mongas. No cards.

New—Dinger.—At the German Methodist Episcopal Church, in Scranton, October 23, 1879, by Rev. F. W. Dinger, the father of the bride, assisted by Rev. H. Kastendieck, P. E., Charles W. A. New, of Baltimore, Md., to Nannette C. Dinger, of Scranton.

Paper—Egg.—In Baltimore, Md., October 29, 1879, by Rev. M. Fulton, F. J. Paper, of New York city, to Annie Egg., of Carlisle, Pa.

Peinne—Valentine.—At Port Chester, N. Y., Wedesday, October 22, by the Rev. J. J. Bronner, John Corlies Perins to Lizzie, daughter of Charles Valentine, Esq.

Thers—Roberts.—Sunday, October 26, by the Rev. Thomas Armitage, at his residence, Lavinia S. Roberts, only daughter of J. Roberts, Esq., of Philadelphia, to Carl Thies, Jr., of this city.

DIED.

ARMSTRONG.—On Monday, October 27, ROBERT ARMSTRONG, aged 90 years.

Relatives and friends are respectfully invited to attend the funeral service, on Wednesday, at one P. M., at the Charles Street United Presbyterian Church, Charles st., between Waverley place and 4th st.

Bannett —On 27th inst., Rachel Bannett, in the 71st year of her age.

The friends of her sen, N. Barnett, and of her sonin-law, im. H. Pollak, are invited to attend the funeral, Wednesday morning, nine o'clock, from her late residence, 250 West 15th st.

Benner.—At Hoboken, N. J., on Sunday, October 26, Rachell, wife of A. H. Bender, aged 35 years.

Relatives and friends invited to attend her funeral, on Wednesday, October 29, from her late residence, at one P. M. Train leaves foot of Chambers st. at 19 A. M.

Bonner.—On Sunday, 23th inst., William Bonner, in the 72d year of his age.

Relatives and friends of the family are respectfully invited to attend the funeral, from his late residence, 265 Warren st., Brooklyn, on Tuesday, at two P. M.

Bowe.—Suddenly, on Monday, 27th inst., Drewer. Anastrong .- On Monday, October 27, Robert

Bows.-Suddenly, on Monday, 27th inst., Drawes

BOWE.—Suddenly, on Monday, 27th inst., DREWER
BOWE, in his 50th year.

Notice of tuneral hereafter.
Donlow.—On October 27, Nemlie, the beloved
daughter of Thomas and Mary Donlon, aged 4 years.
Funeral will take place from her parents' residence, 60 James st., on October 29, at two o'clock P. M.
EDDE.—In Jersey City, October 27, 1879, MARGAREZ
D., relict of the late Issace Edge, Sr.
Notice of tuneral hereafter.
Flansagn.—On Sunday, the 25th inst., Teresa,
wife of Thomas Flansgan, sged 23 years, 9 months.
Funeral from her late residence, 124 White st.,
Wednesday, October 29, at two o'clock Relatives
and friends are respectfully invited.
Gannon.—On Saturday, October 29, 1879, Andrew
Gannon, in the 29th year of his age.
Relatives and friends of the family are respectfully
invited to attend the funeral, from his late residence,
583 1st av., this Tuesday, the 28th inst., at one o'clock
P. M. Interment in Calvary Cometery.
Ganne.—At Stapleton Heights, Staten Island, Orro
G. Ganne, aged 34 years.
Relatives and friends are respectfully invited to
attend the funeral, on Wednesday, October 29, 1879,
at three o'clock P. M., from his late residence, Zebra
sv., Stapleton Heights, Staten Island.
Gier.—On Monday, October 27, at twenty minutes
past one P. M., Maria Angelica, beloved wife of
Bernard Gier, in the 47th year of her age.
The funeral, 29th

Past one P. M., Manta Assessed, Desired whe of general Gier, in the 47th year of her age.

The funeral will take place on Wednesday, 29th inst., at eight A. M., from her inte residence, 319 West 25th st., thence to St. John the Baptist Church, 30th at., between 7th and 8th avs., where a solemn requiem mass will be said for the repose of her soul. Relatives and friends are respectfully invited to attend.

tend.
GRUBE.—On Sunday, October 25, 1879, at Spring Valley, N. J., Anna, beloved wife of Charles Grube,

Reintives and friends are respectfully invited to attend.

GRUBE.—On Sunday, October 26, 1879, at Spring Valley, N. J., Anna, beloved wife of Charles Grube, in her 46th year.

R-latives and friends of the family are invited to attend the funeral, on Wednesday, October 29, from the St. John's Lutheran Church, No. 31 Christopher St., New York, at half-past one o'clock.

Hanvey.—Elizabeth Hanvey, October 27, 1879, aged 34 years.

Funeral will take place from her late residence, 303 East 31st st., New York, at half-past eight o'clock, Wednesday morning, October 29, thence to the Church of the Sacred Heart, Clermont av., near Park av., Brooklyn, where a solemn requiem mass will be said for the repose of her soul, thence to Calvary Cemetery for internent.

HAYDEN.—In Brooklyn, E. D., October 27, 1879, Many F. Hayden, aged 13 years, 8 months and 4 days, Lewis.—On Monday, October 27, Malcolm Dudley, youngest son of George W. and Louise B. Lowis, aged 2 months.

Funeral on Wednesday, at one o'clock, at residence of his parents, 113 Bedford st.

Lows.—Sunday, October 26, W. T. R. Lowe, in the 34th year of his age.

Relatives and friends are respectfully invited to attend the funeral, from his late residence, No. 11 Ablingdon square, Tuesday, October 28, at half-past nine A. M. Interment in Sing Sing.

Lyall.—On October 27, Henray B. Lyall. —On October 27, Henray B. Lyall., in the 334 year of his age.

Funeral from his late residence, 103 Luqueer st., Brooklyn, on Wednesday, October 26, Many, wife of John S. Macduff, aged 56 years.

Relatives and friends are respectfully invited to attend the funeral, from her late residence, No. 153 East 116th st., at one o'clock P. M., on Tuesday, October 28. Interment at Greenwood Cemetery.

MACDUFF.—On Sunday, October 26, Many, wife of John S. Macduff, aged 56 years.

Relatives and friends are respectfully invited to attend the funeral, from her late residence, No. 153 East 116th st., at one o'clock P. M., on Tuesday, October 28, Interment at Woodlawn.

MOONE.—In Brooklyn, on Sunday,

Calvary Cometery.

ROBINSON.—Departed this life, October 27, 1879, in the 41st year of her age, Rosina, wife of Isaac Rob-

Inson.

Relatives and friends are respectfully invited to attend the funeral, from her late residence, 21 Charlton st., on Wednesday, October 29, at one P. M. Interment in Calvary Cemetery.

SUYDAM.—At Isabylon, L. L. of pneumonia, on the 25th of October, Henry L. SUYDAM, in the 66th year of his age.

25th of October, HENRY L. SUYDAM, in the 66th year of his age.
Funeral services will be held at the residence of J. H. Miller, Esq., Babylon, L. L., on Thesday, the 28th of October, at one P. M.
SWAIN.—On Sunday morning, October 26, 1879, JAMES SWAIN, aged 36 years, a native of Tullow, county Carlow, Ireland.
Relatives and triends of the family are respectfully invited to attend his funeral, from his late residence, 382 19th av., on Thesday (to-day), at one o'clock.
WITTHAUS.—On Monday morning, October 27, JULIA CATHERINK, widow of the late Gustay H. Witthaus, in the 59th year of her age.
Relatives and friends of the family, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons G. Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Edwin J. Witthaus, and of her sons Henry and Hen